

21 Refuse Disposal and Reprocessing

C O N T E N T S

Total Removal of Abandoned Refuse Disposal Pile
Coal Processing Waste Disposal in Backfill.....
Removal of Abandoned Coal Refuse Piles

SUBJECT:	Total Removal of Abandoned Refuse Disposal Pile (MR-21)
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DATE:	April 1995
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A special permit provides solely for the removal of existing abandoned coal processing waste piles. However, where a coal processing operation involves disposal of coal processing refuse, generated either on or off site said, will be subject to Section 22 of the regulations and require a Surface Mine Application (Form MR-4).

APPLICANT:

- Submit:
 - One original and three copies of application to appropriate DEP regional office. If joint application (*including NPDES*), one additional copy is submitted.
 - Filing fee (made payable to WVDEP):
 - \$1,000 for Refuse application
 - \$500 for each NPDES number
 - Reclamation Bond
 - Proof of notification to residents living on property contiguous to proposed permit area. Notifications shall be by certified mail before the first day of public notice.
 - Proof of advertisement
 - Wildlife Lands Inquiry Response
- Ensure a copy of application is made available for public review in the county clerk's office where the mining activity is to take place. Applicant is also responsible for revisions to this copy of the application as long as it is on public review and for retrieval from county clerk's office after end of comment period.

DEP:

- Permit Supervisor assigns the review of application to Permit Review Team
- Within five (5) working days of receipt, administrative review of application shall be conducted by the Permit Review Team and a decision to either:
 - Issue SMA File Number; or
 - Corrections are prepared and applicant is notified in writing.
- When SMA Number is issued:
 - applicant is notified in writing to advertise;
 - copy of application is made available for public review in regional office and county courthouse where operation is located;
 - notifications to affected agencies are prepared and mailed;

- Applicable sections of application are copies and forwarded to Headquarters.
- A preinspection is conducted within two (2) weeks of SMA approval
- Inspector must initial all copies of application and maps
- Division of Labor “DOL” and Worker’s Compensation are notified - Responses that applicant is “in compliance” is required prior to issuance
- Decision: The following items must be completed and included with original application and forwarded to Headquarters:
 - Permit (*MR-2*) and Facts and Findings
 - CHIA
 - Applicant’s Certification of Application must be dated within past 30 days
 - Recommendations for issuance or denial

SUBJECT: Coal Processing Waste Disposal in Backfill

DATE: June 9, 1995

38-2-14.15(m) of the Surface Mining Reclamation Regulations states in part that coal processing waste (coal refuse) placed in the backfill will not contain acid-producing or toxic-forming materials. For purposes of this section, coal processing waste will be considered not containing acid-producing or toxic-forming materials if:

1. it has been demonstrated to the satisfaction of the agency by laboratory testing to be non-toxic and/or non-acid-producing; or
2. an adequate handling plan including alkaline additives has been developed and demonstrated to the satisfaction of the DEP that the material after alkaline addition is non-toxic and/or non-acid-producing. **This additive should not include alkaline overburden unless mixture has been demonstrated to the satisfaction of the agency by laboratory testing, as described below, to be non-toxic and/or non-acid-producing prior to placement.**

Site-specific plans developed by the permittee will be evaluated on a case-by-case basis by the DEP. The plans shall include at a minimum the following:

1. simulated weathering tests on the coal processing waste *alone*;
2. simulated weathering tests on the coal processing waste *mixed* with the proposed additive at the projected rates;
3. contingency plan; and
4. the feasibility of the proposed plan.

The simulated weathering study shall continue until steady state conditions are achieved.

Existing operations permitted to dispose of coal processing material waste in the backfill shall have their plans reviewed by DEP in order to determine if they comply with 38-2-14.15(m) and this procedure.

Coal processing disposal sites which meet all of the criteria of 38-2-22 will not be considered as disposing of coal processing waste under 38-2-14.15(m).

<i>SUBJECT:</i>	Removal of Abandoned Coal Refuse Piles
<i>DATE:</i>	May 1, 2002
<i>Approval:</i>	Matt Crum, Director, DMR

The Secretary may issue a reclamation contract, in accordance with 38-2-3.14, solely for the removal of existing abandoned coal processing waste piles; only if the average quality of the refuse material **does not** meet the minimum BTU value standards to be classified as coal and/or has a percent ash value of greater than 50, as set forth in ASTM standard D 388-99.

Refuse material that **does not** meet minimum BTU value standards to be classified as coal means; a pile of waste products of coal mining, physical coal cleaning, and coal preparation operations (e.g. culm, gob, etc.) containing coal, matrix material, clay, and other organic and inorganic material in which the material in the pile has a calculated average BTU value less than 10,500.

Calculation of the average BTU value of the pile will be based on samples taken in a minimum of five different, uniformly distributed locations. The number and spacing of sampling locations should take into account variability of the material in short distances.